

[27th September 1956]

V.—NON-OFFICIAL BUSINESS.

A. Bills.

(1) THE MALABAR TENANCY (AMENDMENT) BILL, 1956

(L.A. BILL NO. 14 OF 1956).

MR. SPEAKER : The hon. Member Sri V. R. Krishna Ayyar will now move that the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956) be taken into consideration.

SRI G. GOVINDAN : கனம் சபாநாயகர் அவர்களே, நேற்றைய தினம் சட்ட சபையில் கேள்வி நேரத்தின் பொழுது கனம் மெம்பர் ஸ்ரீ பாலகிருஷ்ணன் அவர்கள் தமிழ் நாட்டு தேச விடுதலைக்காக பாடுபட்ட கட்டபொம்மன் அவர்களை கொள்ளைக்காரர் என்று சொன்னார். அதை அவர் வாபஸ் வாங்கவேண்டுமென்று கேட்டுக்கொண்டு 6 மெம்பர்கள் கையெழுத்திட்ட ஒரு கடிதத்தை தங்களுக்கு அனுப்பியிருக்கிறோம். ஆகையால் ஸ்ரீ பாலகிருஷ்ணன் “கொள்ளைக்காரர்” என்று சொன்னதை வாபஸ் வாங்கிக்கொள்ளும்படி கேட்டுக்கொள்கிறேன்.

MR. SPEAKER : இந்தக் கடிதம் இப்பொழுதுதான் எனக்குக் கிடைத்திருக்கிறது. அதைப் பரிசீலித்து ஆலோசனை செய்து வேண்டிய தைச் செய்கிறேன்.

SRI V. R. KRISHNA AYYAR : Mr. Speaker Sir, I beg to move—

“That the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), be taken into consideration.”

This Bill is being moved here with a very limited objective. It is not in the least ambitious. Nor is it bringing in new ideas of reform or change. All that it seeks to do is to clarify the intendment of the Act already passed in the years 1951 and 1954 to the extent to which they have been miscarried in the law courts. There has been always a difficulty on account of the cleavage between courts and the legislatures in this country and that is reflected more pronouncedly in legislations of this character. Whenever land legislations have come up we have found that either the entire legislation or the provisions thereof being struck down by the law courts, the High Court and sometimes even by the Supreme Court. It is very necessary therefore that the legislature must see that it keeps a vigilant watch on the law courts also and its intendment, purposes or beneficial objects are not nullified. It is only in that view I am moving this amending Bill.

Certain Sections of the earlier enactments were struck down by the law courts as *ultra vires*. Certain rules framed under the Acts were also similarly held unconstitutional or illegal and for specific reasons. Certain matters did not even go up to the High Court. Even at the District Court level they received the rebuff. The present Bill collects all the points together in the form of a few clauses and tries to clarify the purposes by making necessary modifications in the language. Even at the time of moving this Bill I have given more or less an assurance or an undertaking that

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there would be nothing new in this Bill, because it is really fulfilling what has been passed in the year 1954 and corrects it to the extent to which law courts have baulked or obstructed the path of this legislation. The Government have also considered the Bill and I find notices have been distributed suggesting a number of amendments. I have gone through them and I may mention there is hardly any difficulty in accepting them.

Now I shall go into the various clauses which I have incorporated in the Bill, one by one. The first clause, clause 2, deals with normal produce. Hon. Members might be very familiar with this expression now that the rent Bill for Tamilnad has also been passed. In the Malabar Act the basis on which the fair rent is fixed is the normal produce. That is the actual outturn that one gets from the land. But then it is common knowledge that the first or the principal crop will yield more than the second or the subsequent crops. The Government being aware of this factual position produced a rule under the Act called Rule 3 (A) by which they said that the second crop will be deemed to be half of the first crop for convenience sake. This rule was considered *ultra vires* by the High Court. The High Court said that the rule-making power which the Government had under the Act was exceeded by this rule. The High Court also said that the Government could not enact artificially that a crop shall be deemed to be half or a certain proportion of the normal produce or actual produce obtained in the first crop. If at all the Government wanted to enforce this rule they should have introduced this in the substantial enactment, that is in the Act itself and not introduce it under the rules. Now what is sought to be done under the Bill I have moved is to overcome that objection. The High Court said that the rule was *ultra vires*. The reason given was that it would not have validity as a rule but if it had been part of the Act it would have been valid. I am now seeking to introduce that rule into the Act itself by amending the earlier section, that is, sub-section (a) of section 4, by defining the normal produce and how it has to be arrived at.

The first explanation reads as follows :—

“ In ascertaining the normal produce, the yield of the second or third crop shall be deemed to be half of the first or principal crop.”

This stands to reason and it has received the assent of the Government and the rule has been promulgated. That is being incorporated in the Act itself to meet the objection raised by the High Court.

The second explanation is—

“ In ascertaining the normal produce of land when classification and the standard outturn of paddy as finally adopted at the last land revenue settlement is taken into consideration by the Rent Court, due deductions from such outturn shall be made for harvesting charges and shrinkage.”

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Now there is divergence of practice in various courts. In North Malabar, where I am a lawyer, I find shrinkage and harvest charges are given credit even now. But in South Malabar various views are held by various courts. To standardise the views and accept what is really favourable to the ryots, I have suggested that the deduction may be made from the total outturn shown in the land revenue records for harvest charges and shrinkage. I do not know if the Government would accept it. But anyway I suggest this be accepted.

Then the next clause, clause 3, that I have put down is also intended to meet the divergencies of practice in courts. The Kanamdars and the Verumpattamdars are the two classes of tenants in Malabar who are supposed to be the favoured tenants. They are really paying less than what they would have to pay as fair rent, for peculiar reasons into which we need not go at present, and under the Act it was not provided that they should be compelled to pay the fair rent. Under section 27 of the Act certain classes of tenants are bound to pay fair rent but the Kanamdars and Verumpattamdars have been excluded. Yet there are various cases where the Kanamdars and customary Verumpattamdars who are the favoured class tenants are paying more than fair rent. In such cases these favoured tenants need not be discriminated against. They need not be compelled to pay more than fair rent. They should be allowed to pay not more than the fair rent. If the actual rent paid is less than the fair rent, they may pay it. If they were paying more than the fair rent, they must be enabled to apply for fixation of fair rent and pay fair rent. Section 31 of the Act says that no tenant in Malabar need pay more than the fair rent. The whole matter is not beyond doubt and courts have taken various views in respect of this matter. In North Malabar the Courts have said that Kanamdars and Verumpattamdars can apply for fixation of fair rent. To clarify the whole position this clause is being incorporated into the Act. By this all tenants inclusive of Kanamdars and Verumpattamdars are competent to apply for fixation of fair rent. The Government amendment takes in this idea but puts in the change in a different place.

Another difficulty has come in on account of the views taken by the courts. Fair rent when it is fixed is to be given effect to for the year in which the application was made. May be the application may be decided by the courts in subsequent years, but the fair rent should be given effect to for the year in which the application was made. This is already laid down in section 16 of the Act.

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a.m.

Sir, another anomalous situation also arises. Although an application for fair rent is filed and pending before the Rent Court, the landlord may go to a Civil Court and get a decree on the basis of the contract. That decree will be executed by the executing Court. The tenant when he goes and says that he has got the fair rent fixed by the Rent Court and therefore asks the Court to reopen the issue and not to realise any amount beyond

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the fair rent fixed by the Rent Court, the Civil Courts say that they do not bother about the fair rent and they are going to execute the decree before them. The execution Court cannot go behind the decree. I know several cases where such decrees have been executed notwithstanding the fact that the fair rent has been fixed by the Rent Court. So, provision is made in this Bill to reopen the decrees already passed notwithstanding the determination of fair rent and to give effect to the fair rent fixed by the Rent Court. This is Explanation II.

Clause 4 seeks to substitute the figures '1954' for the figures '1951'. It is also for correcting an anomaly. In the 1951 Act, there is no provision for fixation of fair rent. The clause is only meant to meet a situation like this. Suppose there is a tenant and above him an intermediary and above him a landlord. In the case of a tenant the fair rent is fixed under the 1954 Act but in the case of an intermediary, if he gets less, he is asked to pay more, that is, his contract rent. But according to the 1951 Act, if the intermediary gets less from the tenant, he need only pay less to the landlord. Therefore, it is proposed to substitute the figures "1954" for the figures "1951" as there has been no fixation of fair rent in the 1951 Act. This is only intended to correct a clerical mistake or accidental omission.

Clause 5 repeals section 4 of the Madras Act XIV of 1945. There is provision in the 1951 Act for the persons who have been evicted to get back the possession of their lands. But on account of the obscure provision, viz., section 4 of the Madras Act XXIV of 1945, which is still lingering on the Statute Book, effect could not be given under the 1951 Act to those tenants who have been evicted up to 1945. After 1945, of course nobody could be evicted as there is the 1951 Act. It is only to protect those tenants who had been evicted before 1945, clause 5 proposes to repeal section 4 of the Madras Act XXIV of 1945. This will enable those tenants to get back the possession of their lands.

Clause 6 is provided in order to get over a difficulty pointed out by the High Court. Sir, in section 53 of the Madras Act XXXIII of 1951 and section 24 of the Act VII of 1954, it is provided that if six years' rents are deposited or paid for the period 1946-47 to 1952-53, all the previous arrears of rent would be wiped out. Obviously the intention is to extend benefit to all those tenants who had been paying rents for that period under the Madras Tenants' and Ryots' Protection Act. At the same time it is also the intention to give relief in all those cases where rent decrees have been passed for that period. Although such benefits are provided for such class of persons under the above Acts, the Madras High Court, according to recent decision, interpreted the provisions according to the letter of the law and not according to the spirit of the law. They have stated that the above provisions would not apply to tenants who have paid the rents for the above period before 19th March 1954 and also to

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cases where decrees have already been passed. This will defeat the intention of the Act and therefore I have proposed a proviso to Section 53 of the Act XXXIII of 1951 which runs as follows :—

“irrespective of whether the payment is made before or after the commencement of Act VII of 1954 or Act XXXIII of 1951 and whether the rent has ripened into a decree or not”.

That is clause 6.

Then, clause 7 is really brought in to give retrospective effect. So also clause 8 is brought in only to give retrospective effect.

These are the salient features of the Bill. It is a reasonable Bill which seeks to call attention to one important fact, viz., that the Legislature passes a law with certain intentions but those intentions are not actually carried out in practice owing to the interpretation of the law in different ways. Sometimes some provisions of the law are ‘murdered’ and are not given interpretation according to the spirit of the law but according to the letter of the law. Such a thing should not be allowed to pass unnoticed. A vigilant Legislature should always see to it that no litigant gets vested interest according to the letter of the law. After all, this Bill really incorporated no new ideas. It only implements more effectively what the Legislature has resolved and enacted as early as 1954. With these words, I commend this Bill for the acceptance of the House.

SRI M. NARAYANA KURUP: Sir, I second the motion.

MR. SPEAKER: Motion moved—

“That the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), be taken into consideration.”

10-10 a.m. * SRI M. NARAYANA KURUP: Mr. Speaker, Sir, it has been admitted by the Government, that, in spite of the best legal advisers they may have at their disposal, several of the Acts enacted by the Legislature have very often been found to be defective. It is necessary, therefore, that as and when such defects are brought before the Government they should be attended to immediately, according to the seriousness and importance of the question.

The Malabar Tenancy (Amendment) Act, 1954, was passed after deep consideration. This Act also is not an exception to the general rule and in its working also several defects have been noticed. The Courts have held several of the provisions defective so much so the purpose for which some of the salient provisions have been made in the Act has not been fulfilled. These facts have been brought to the notice of the Government, but they have not been attended to so far. I am glad that the Government have now come forward with their own amendments to the present Bill. In the amendments suggested by the Government, the principles underlying the Bill have been accepted. Of course, with the help of expert advisers the Government have framed their amendments in a more precise legal phraseology.

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One of the important changes sought to be made in this Bill relates to the question of the right to apply for fixation of fair rent to be conferred on cultivating Kanamdars and customary Verumpattamdars. Since the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930) was passed, this matter is under discussion. Persons familiar with the history of the framing of the Malabar Tenancy Act, 1929, know that the Kuttikrishna Menon Committee went into the whole question. The report of that Committee was examined by a Special Officer. On the basis of the recommendations of the Special Officer, the Government themselves convened a conference. The Revenue Board also took certain decisions and it was only afterwards that the Government formulated their reform proposals for the tenancy legislation relating to Malabar district. Sir, the Special Officer himself has pointed out the necessity for the amendment suggested in the Bill under discussion. He has pointed out as follows:—

“The Committee pointed out that there are some cases where the rent paid by the Kanamdars and Kanamkuzhikanamdars is higher than the fair rent payable under the Act. There is no reason why they should be required to pay more than the fair rent fixed for the Verumpattamdars. Their case deserves consideration as recommended by the Committee.”

Then, Sir, the Revenue Board which also considered the matter reached the following conclusions:—

“*Details of the proposal.*—The fair rent payable to Kanamdar, customary Verumpattamdars or intermediaries need not be fixed. But cultivating Kanamdars and cultivating Verumpattamdars shall have the right to apply for fixation of fair rent if the contract rent is considered excessive.”

The decision of the Board.—The suggestion, that in all cases the tenant should pay fair rent or the contract rent whichever is less is accepted. All cultivating Verumpattamdars, cultivating Kuzhakanamdars, cultivating customary Verumpattamdars and holders of separate kudiyruppus and tenants of land cultivated with pepper as the principal crop will be liable to pay fair rent or the contract rent whichever is less.”

Now, Sir, due to oversight this provision has not been incorporated in the enactment. Now that defect is sought to be removed by an amendment in this Bill. There is no departure from the principle accepted by the experts who have been connected with the legislation relating to Malabar tenancy.

We all know, Sir, that in the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930) a provision was made for the resumption of land by the landowner if it was considered bona fide necessary for the purpose of his maintenance. In 1941 the High Court in a decision held that if a landowner came and simply deposed in a Court of law that he wished to resume his land as it was bona fide necessary for his maintenance immediately a decree was passed in his favour though actually the land might not be

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required for his maintenance. The consequences of this decision were so disastrous that almost all tenants were deprived of their holdings. The situation became so alarming that even the Advisers' Government in 1945 thought it fit that a check should be put on this and they passed an enactment (Madras Act VI of 1945) that eviction should be allowed only if it was necessary for landowner's maintenance. But this did not help very much the tenants who had been turned out of their lands in between the decisions of the High Court in 1941 and 1945. As a matter of fact the largest number of evictions took place only during this period. The sponsors of the Malabar Tenancy Act, 1954, naturally wanted to safeguard the interests of those tenants who had been dispossessed, and they provided for it. But the High Court in another decision pointed out that since the relevant provision in the 1945 Act was not repealed, it prevailed and that the right to recover possession could apply only to cases of eviction after 1945. Since 1946, there was in force the Madras Tenants and Ryots Protection Act and cases of eviction were practically nil. The amendment suggested in the Bill seeks to confer a real benefit that was intended and sought to be implemented by Act VII of 1954.

Since the Madras Tenants and Ryots Protection Act, 1946 was enacted, every tenant who wanted to obtain a stay continued to deposit arrears of rent as well as future rent and in fact there was only dispute with regard to the rate or price of paddy and other sundry things. Section 53 of Act XXXIII of 1951 read with section 24 of Act VII of 1954 provided that if six years' rents were deposited or paid for the period 1946-47 to 1952-53 all prior arrears of rent would be wiped out. The Madras High Court in a recent decision has interpreted the provisions in such a way as to mean that the protective provisions would not apply to tenants who have paid the rents for the period 1946-47 to 1952-53 before 19th March 1954. Hence an amendment to section 53 of Act XXXIII of 1951 is inserted in this Bill.

I wholeheartedly support this measure and I congratulate the Government on having come forward with their own amendments to get this measure passed instead of waiting for the reorganisation of States.

10-20
a.m.

SRI T. C. NARAYANAN NAMBIAR: Mr. Speaker, Sir, I am extremely happy to see that the Government are also going to support the Bill moved by the hon. Member Sri V. R. Krishna Ayyar which is intended to confer benefits to the tenants of Malabar. It is not a new legislation. As has already been pointed out, this Bill is intended to fulfil the intention of the sponsors of the 1954 Amendment Act. But, unfortunately, on account of certain decisions of the High Court the benefits conferred on the peasants by Act VII of 1954 had been taken away. For example, in the original Act it was stated that the fair rent can be determined by the Rent Court in accordance with

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the rules prescribed for that purpose. Rule 3-A of the Malabar Tenancy (Determination of Fair Rent) Rules, 1954, says that the normal outturn of second crop shall be fixed at half of the outturn of the first crop in respect of land registered as double-crop wet lands and single-crop wet lands growing two paddy crops regularly. But the High Court has laid down that such a provision can be made only in the Principal Act and that it cannot be made by a rule. Therefore, the benefits given to the peasants so far had been taken away and it is quite essential and imperative that this has got to be amended with retrospective effect. The tenants are not at all at fault. Rule 3-A framed by the Government has been held to be *ultra vires*. Hence I plead that this should be given retrospective effect.

In the same way, with regard to the arrears of rent, under Section 53 of Act XXXIII of 1951 read with section 24 of Act VII of 1954, it was provided that if six years' rents were deposited or paid for the period 1946-47 to 1952-53, all prior arrears of rent would be wiped out. Certain tenants have already deposited rent. But the Madras High Court has interpreted the provision in such a way that the protective provisions would not apply to tenants who have paid the rent before 19th March 1954. On this score also, the benefits which have been conferred on the tenants have been taken away. The amendments proposed in the Bill are intended to remedy these defects and I support them. I am also glad that the Government are also supporting this Bill. With regard to the other provisions of the Bill, the mover of the Bill has explained them sufficiently and I support the Bill wholeheartedly.

SRI K. P. GOPALAN : Mr. Speaker, Sir, I am glad that the Government have accepted this Bill with certain amendments. The hon. Member Sri V. R. Krishna Ayyar has brought this Bill for the benefit of the peasants in Malabar. To put it in a nutshell, according to this Bill, the kanamdar and the customary kanamdar will get the right of petition to the Rent Court. Hitherto, it was denied to them and many peasants have suffered. This Bill seeks to remedy this defect. Moreover, those who were evicted before 1945 will also get the right of tenure according to this Bill. This is a great step and will really improve the lot of the tenants. If this Bill is passed, many tenants will get their rents reduced. This Bill seeks to give more benefits to the tenants of Malabar and I am sure that this piece of legislation will help them considerably. I support this Bill wholeheartedly and I am sure that the whole House will support this Bill as it is one of the best pieces of legislation brought before this House.

SRI K. P. KUTTIKRISHNAN NAIR : Mr. Speaker, Sir, in principle, some of these amendments are necessary, but after going through the Bill, I find that some more thought has to be bestowed on the provisions of this Bill. Explanation I of clause 2 says that "In ascertaining the normal prodsce, the yield of the second or third crop shall be deemed to be half of that of the

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first or principal crop". The word "first" can be omitted and the words "principal crop" alone may be retained. Again, Explanation II says that in ascertaining the normal produce of land when classification and the standard outturn of paddy as finally adopted at the last revenue settlement is taken into consideration by the Rent Court, due deductions from such outturn shall be made for harvesting charges and shrinkage. The procedure adopted by the Rent Court is implied to be approved. Without further study, it may not be possible for us to give an opinion on this matter.

Then, Explanation I of clause 3 says that notwithstanding anything contained in section 27, a kanamdar and any other class of tenant coming within the ambit of section 31 may apply for the fixation of fair rent. I think this clause will only create complications, because what the kanamdar has to pay is *purappadu* and it has nothing to do with the rent of the property. Here, the kanamdar or the intermediary is only practically like a money-lender and he is given the right to apply for fixation of fair rent, which may not apply to him, because the *purappadu* that he has to pay does not come under "fair rent". Because of that, there was no provision in the Amendment Act of 1954. These are some of the defects in the Draft Bill and I think, considering all the aspects, it will be better to refer the Bill to a Select Committee where the whole matter can be gone into and a decision arrived at. This is all I have to say in respect of the Bill now before the House for discussion.

* SRI R. KRISHNAN : മിസ്റ്റർ സ്പീക്കർ, സർ, മലബാർ കടിയായ നിയമത്തിന്നു എന്റെ സ്നേഹിതൻ ശ്രീ വി. ആർ. കൃഷ്ണൻ കൊണ്ടുവന്നിരിക്കുന്ന ഈ ഭേദഗതി വില്ലിനെ ഞാൻ പിന്താങ്ങുന്നു. ഈ ഭേദഗതി അത്യാവശ്യമാണെന്ന് ഉന്നിപ്പറയുവാൻ ഞാൻ ഈ അവസരം ഉപയോഗിക്കുന്നു. 1954 ലെ മലബാർ കടിയായ നിയമം നടപ്പിൽ വന്നതോടുകൂടി കടിയാരാജ് വളരെയധികം ആശ്ചര്യം ലഭിച്ചു വരികയായിരുന്നു. പക്ഷെ ഭരണാധിപരാണ് ക്രമേണ ഫൈനോടനിയുടേയും മറ്റും ചില തീപ്പുകളുടെ ഫലമായി കടിയാരാജെ സകല ശുഭപ്രതീക്ഷകളും ഇന്ന് തകർന്നിരിക്കുവാൻ. പാട്ടുകോടതികളിൽ പോകാൻ കൃഷിക്കാർ ഭയപ്പെടുന്നു. മറ്റൊരപാട്ടു നിന്തായിച്ചുകിട്ടാൻ പുത്രനായി ഹരിജനുകൾ കൊടുക്കാൻ ഇന്നാരും തയ്യാറാകുന്നില്ലെന്നു മാത്രമല്ല, കോടതികളിൽ നിലവിലുള്ള കേസുകൾ തന്നെയും പിൻവലിച്ചു കൊണ്ടിരിക്കുവാൻ. പാട്ടു കറച്ചു കിട്ടാൻ ഹരിജി കൊടുത്തിട്ട് പാട്ടാശ്രി വിധിനൽകിയതിന് പല ഉദാഹരണങ്ങളുമുണ്ട്. ആദ്യത്തെ വിളക്കു, അല്ലെങ്കിൽ പ്രധാന വിളക്കു, തുല്യമായി രണ്ടാമത്തെ വിളയേയും കണക്കാക്കുന്ന സമ്പ്രദായം നിലവിലിരിക്കുന്നിടത്തോളം കാര്യം കടിയാരാ പാട്ടു കറച്ചു കിട്ടാൻ മാറ്റമില്ല. പ്രധാന വിളയുടെ പകുതി മാത്രമേ രണ്ടാമത്തെ വിളക്കു കണക്കാക്കാവൂ എന്ന നിയമത്തിൽ ഭേദഗതി വരുത്തിയാലേ കടിയാരാ എന്തെങ്കിലും രക്ഷ കിട്ടുകയുള്ളൂ. ഇന്ന് ആദ്യത്തെ വിളയുടെ അടിസ്ഥാനത്തിൽ രണ്ടാം വിള കണക്കാക്കിക്കൊണ്ടും കൃഷിചെയ്തവർക്ക് കൊയ്തു് ചിലവും ഉണ്ടാകാശിയും കിഴിക്കാരെയും ചില പാട്ടുകോടതികൾ പാട്ടു തീപ്പുകളാക്കുന്നുണ്ട്. പാലക്കാട് കോടതിയിലും മറ്റും അത്തരം പല തീപ്പുകളുമുണ്ടായിട്ടുണ്ട്. ഇങ്ങിനെ പാട്ടു കൂട്ടുന്നതിനെ തടയാൻ ഈ ഭേദഗതി നിയമം ഉപകരിക്കുന്നതാണ്.

ഇങ്ങിനെ നിയമം ഭേദഗതി ചെയ്യാൻ മാത്രം പോര, ഇതോടുകൂടി റൂക്കുകളിലും ചില ഭേദഗതികൾ വരുത്തേണ്ടതായിട്ടുണ്ട്. കൃഷിചെയ്തവർ 25 പറ അനുവദിക്കുന്ന മെന്ന് വ്യവസ്ഥയുണ്ടായിട്ട് 16-ഉം 18-ഉം പറ മാത്രമാണ് ചില പാട്ടുകോടതികൾ കണക്കു കൂട്ടുന്നത്. പ്രത്യേകിച്ചും മലമ്പ്രദേശങ്ങളിലെ കൃഷിക്കാർക്ക് ചെലവു വളരെ

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കുറച്ചാണ് കണക്കാക്കിവരുന്നത്. അതിനും ഒരു പരിഹാരം ഉണ്ടാക്കേണ്ടതു് അത്യാവശ്യമായിരിക്കുന്നു. കൃഷിപ്പൈലവിന് 25 പറ നെല്ലുതന്നെ അനുവദിക്കണമെന്ന ഒരു നിബന്ധ പ്പ്രകാരം ദുരിതത്തിൽ ഉൾപ്പെടുത്തേണ്ടതാണ്. 1954 ലെ മലബാർ കടിയായു ഭേദഗതി നിയമംകൊണ്ടു് കടിയായ കിട്ടണമെന്ന ഈ സഭയും ഗവണ്മെണ്ടും ഉദ്ദേശിച്ചിട്ടുള്ള അനുക്രൂപങ്ങൾ ഇന്നു കടിയായ നിഷേധിക്കപ്പെട്ടിരിക്കുന്നതിന്നു പരിഹാരം കാണാൻ ഈ ഭേദഗതി നിയമം അടിയന്തിരമായി പാസ്സാക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. ഇതു കടിയായാകു് വളരെ രക്ഷ നൽകുന്ന ഒരു ഭേദഗതിയാണ്. കടിയായ നിയമം കൊണ്ടു് പാട്ടുകോടതി കൊണ്ടു് കടിയായ എന്തെങ്കിലും ഗുണം ഉണ്ടാകണമെങ്കിൽ ഈ ഭേദഗതി കഴിയുന്നതോടൊ പാസ്സാക്കിയെ മതിയാകൂ. കടിയായ വേഗത്തിൽ ഇതു പാസ്സാക്കണമെന്നു് ഗവണ്മെന്റിനോടും സഭയോടും അപേക്ഷിച്ചുകൊണ്ടു് ഞാൻ എന്റെ പ്രസ്താവം ചുരുക്കുന്നു.

MR. SPEAKER: Mr. Kuttikrishnan Nair said in his speech that he would like to have the Bill referred to a Select Committee. If he wants to pursue it, he must move a motion and it must be seconded.

* THE HON. SRI M. A. MANICKAVELU: Even the latest father of this Amendment Bill said that there were difficulties in the working of the Malabar Tenancy Act and he also suggested certain remedies. The Government also found certain difficulties and steps were taken to see that they were removed by amendments to the Act. The amendments were in the process of compilation so that all of them could be moved in a batch. In the meantime, the proposal for the reorganisation of the States came in, and the Government thought that it would be better if the future Kerala Government took up the question. But hon. Members are very anxious to have the amendments carried out in this Legislature itself, before the States reorganization takes place. Government will have no objection to it provided there is a certain amount of unanimity among the Members coming from the Malabar area.

I may just mention one or two difficulties that arose. The term "tenant" is not understood and interpreted as it was intended to be interpreted. There is doubt as to whether the term "tenant" includes a kanamdar and a verumpattamdar. Different interpretations were given and the Government took steps to clarify by issuing executive instructions. Rent Courts may adopt executive instructions; but a regular Court or Tribunal may not adopt them and may give a different ruling. So that defect has to be rectified.

Suppose, under a decree, a person has collected excess rent. As it is, it cannot be re-opened. Provision for adjustment of excess rent will have to be made in a proviso to section 16.

The reference to the Act of 1951, section 32, should really be a reference to the Act of 1954. This is a technical or drafting mistake.

Persons paying arrears of rent after the crucial date get protection under the Act, but persons who have paid arrears of rent earlier are not protected. There is no reason why persons who had been prompt in the payment of rent should not be protected. Therefore an amendment is necessary for this purpose also.

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Section 4 of the Act of 1945 has to be repealed. If it is not repealed, the provision will not be operative from 1st July 1942. To make the provision operative from 1st July 1942, repeal of section 4 of the Act of 1945 is called for.

All these amendments are necessary. But we cannot rush through this Bill. Malabar tenancy is a very complicated thing and very confusing to people who are not familiar with the land tenures of that area. Now a number of amendments are given. Government also have proposed a number of amendments. I think, as suggested by Sri Kuttikrishnan Nair, a Select Committee may go into the amendments. But it is a matter to be decided by the House.

THE HON. SRI C. SUBRAMANIAM: Sir, on behalf of the Government, I would like to say this. Ordinarily we ourselves would have brought in an amending legislation. But in view of the impending reorganization of the State, we thought we should not take up the responsibility. But when a private Bill came up, we thought that we need not stand in its way, if there was unanimous acceptance of it by the Members belonging to Malabar district. The first essential condition for proceeding further with the Bill is the existence of unanimity. If any Member says that the Bill requires further looking into and clarification, I am afraid the Government cannot be a party to rushing through this Bill. Therefore I would request the hon. Members to decide among themselves whether to proceed with the Bill straightway or not or refer it to a Select Committee for scrutiny. Unless it is made quite clear that all the Members belonging to Malabar district are unanimous about the Bill, the Government will have to take up the attitude that the Bill may be considered by the future Kerala Legislature. Therefore I would like to know whether any hon. Member wants the Bill to be referred to a Select Committee or whether there is unanimous opinion about proceeding with the Bill straightway.

SRI K. P. KUTTIKRISHNAN NAIR: This is a legislation which affects the property rights of the people of Malabar. Rushing it through may land us in difficulties. That is why I submitted that it may be referred to a Select Committee.

SRI P. RAMAMURTHI: I do not know if the hon. Member understands the implication of his suggestion. If he understands, then I must give credit to his intelligence. It is another way of saying that this legislation need not be taken up at all, immediately at any rate. He knows full well that Malabar is going to be separated on 1st November 1956 and that this will be the last session when the Malabar Members will be present. After the 1st of November, this Legislature will not be in a position to undertake this legislation. Therefore reference of this Bill to a Select Committee now will be meaningless. If he knew this and still made his suggestion, I do not want to comment on it. Simply because one Member from Malabar tries at the last minute

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to spring a surprise and say that the Bill must be referred to a Select Committee, the Government should not hold up the passage of the Bill. When the Government are satisfied that the intentions of this Legislature are not being given effect to because of a decision of the High Court, they should proceed with the Amending Bill and not take umbrage under the plea that one Member from Malabar objects to it. If further scrutiny becomes necessary as a result of the working of the Act, there is the future Kerala Legislature to take care of it. This Legislature has given them that Act and at least when we are parting, let us see that the intentions of this Legislature are carried out.

THE HON. SRI C. SUBRAMANIAM: I am sorry I am unable to agree with the position taken up by the hon. Leader of the Opposition. After all, this is a matter affecting the property rights of people belonging to the Malabar district. I may tell the House quite honestly that we have not gone deeply into the implications of the amendments; there has been only a superficial examination. If all the Members from Malabar are agreed about it, I thought it was quite all right and that we could proceed with the Bill. But if there is to be any unanimity, certainly it is necessary that there should be a further scrutiny. Therefore, I would suggest the constitution of a committee. The committee may sit down for work to-morrow. We will allow some time day after to-morrow for this Bill. Therefore, let us have a committee consisting of Malabar Members constituted now. Let this committee scrutinise the Bill further and come to a unanimous agreement. Let the committee come to unanimous conclusions. The Bill can be taken up either to-morrow or the day after. I am prepared to allow some time to-morrow or the day after. Let the committee scrutinise every clause and see what further changes are necessary. Let it suggest to Government the changes necessary. The committee must consider every aspect of the Bill and come to unanimous decisions. If it comes to unanimous conclusions, we can consider the Bill even to-morrow. I do agree that we should not hustle this Bill through simply because we do not have time, especially when there are some objections from some Members. Therefore I would like the hon. Mover of this Bill to consider the constitution of a committee even now so that the committee can sit down and discuss.

SRI K. P. KUTTIKRISHNAN NAIR: On a point of personal explanation, Sir. The Leader of the Opposition seems to think that after November there will be no rule in Malabar. The President's rule will be there. We have our representatives in Parliament. If this Bill is referred to a Select Committee, it can be scrutinised thoroughly. Then we can have the Bill moved in Parliament by our Members. In the Travancore-Cochin State some of the Bills could not be passed because there was no Assembly. So the Bills were moved in Parliament. There is no difficulty at all. The objection of even one Member, if it is reasonable, has to be heeded. It does not matter if one Member

[Sri K. P. Kuttikrishnan Nair]

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objects or two Members object. The reasonableness of the matter placed before the House has to be considered. I say that it is not correct to hustle this Bill through, especially when the Government may not be able to understand all the implications of this Malabar Tenancy legislation. The majority of the Members of this House may not know the implications of this Bill. It will not be fair if this Bill is hustled through.

* SRI M. NARAYANA KURUP: Sir, I am extremely sorry that when the Hon. the Leader of the House has put forth such reasonable and accommodating suggestions, through the persistence of one hon. Member, this salutary piece of legislation which at least an overwhelming majority considers necessary and important, has to go by default. The hon. Member mentioned that there will be after the 1st November the President's rule. But then there are other complications. At that time it will be the Kerala State. If we then think of bringing in this amending legislation, it will be asked, 'Why bring in legislation for Malabar alone? Why not legislate for the whole State?' This is my point. We can understand that if fundamental questions are involved, we must not hustle through. But the purpose of this amendment as has already been admitted by the Hon. Minister himself is to rectify certain decisions which have gone contrary to the intention of the Act, which was passed after mature consideration. The hon. Member might think that he alone is conversant with the Malabar tenancy . . .

THE HON. SRI C. SUBRAMANIAM: No insinuation or attacks please.

* SRI M. NARAYANA KURUP: Therefore, Sir, I request him to consider this. If there are reasonable and logical arguments advanced by any one Member, we are willing to consider. I requested the hon. Member to let me know whether he had considered the Government amendments and what particular provisions he objected to. Of course he told me that he had not time sufficient enough to go through the amendments. Therefore if the suggestion of the Hon. the Leader of the House is accepted and we sit together, we promise not only reasonable consideration but we promise also that we will be willing to accommodate him. We do not want to rush through at the fag end of the session. Therefore I request him to agree to the suggestion made by the Leader of the House.

* SRI K. KUNHI MOHAMED SHAFEE: മിസ്റ്റർ സ്പീക്കർ, സർ, ധൂതാനിയിലുള്ള നിയമ നിർമ്മാണം വലിയ ബുദ്ധിമുട്ടുകളോടുകൂടിയതാണ് എന്റെ സ്റ്റേഫിന്റെ ശ്രീ കുട്ടികുട്ടിൻ നായരോട് അഭിപ്രായത്തെ ഘണ്ഡിക്കാൻ ആരെങ്കിലും തയ്യാറാകുമെന്ന് ഞാൻ കരുതുന്നില്ല. പക്ഷെ ഒരു കാര്യം എനിക്ക് അദ്ദേഹത്തിന്റെ ശ്രദ്ധയിൽ പെടുത്താൻ. ഇതു ഘണ്ഡാർ കടിയായ നിയമത്തിൽ വളരെ മൗലികമായ ഭേദഗതികളൊന്നും വരുത്താൻ ഉദ്ദേശിച്ചുകൊണ്ടുള്ള ഒരു ബില്ലല്ല ചില കോടതി വിധികളുടെയും മുജിഹുദുദയം ഫലമായി, നിയമം കൊണ്ട് കടിയായ ലഭിക്കേണ്ടതും ലഭിക്കണമെന്ന് ഈ സഭ ഉദ്ദേശിച്ചതെന്നുമായ ആനുകൂല്യങ്ങൾ കിട്ടാനിടയകാതെ വന്നിട്ടുള്ള ഒരു പരിതസ്ഥിതിക്ക് പരിഹാരം കാണാൻ മാത്രം ഉദ്ദേശിച്ചുകൊണ്ടുള്ള ഒരു

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ബില്ലാണിട്ട്. ഈ ബില്ലിന് പരിശോധിച്ച് ഗവണ്മെന്റ് ഭാഗത്തുനിന്നും ചില ഭേദഗതികൾ ഇവിടെ ഹാജരാക്കിയിട്ടുണ്ട്. ശ്രീ കുട്ടികൃഷ്ണൻ നായർ ഒരുപക്ഷേ ആ ഭേദഗതികൾ ശരിയായി പരിചരിക്കിയില്ലെന്ന ഒരു ബഹുമാനപ്പെട്ട മെമ്പർ അഭിപ്രായപ്പെട്ട കയ്യെഴുതി. അതിന്റെ സത്യാവസ്ഥ എന്തെന്നു എനിക്ക് നിശ്ചയിച്ചെങ്കിലും തൽക്കാലം അതങ്ങനെ തന്നെയായിരിക്കണമെന്നു ഞാൻ കരുതുന്നു. ഈ ഘട്ടത്തിൽ എനിക്ക് ശ്രീമാൻ കുട്ടികൃഷ്ണൻ നായരോടു പ്രത്യേകം രംഭപേക്ഷയുണ്ട്. ഈ ബില്ലിന് പരിശോധിച്ചശേഷം ഗവണ്മെന്റുതന്നെ ചില ഭേദഗതികളുമായി മുന്നോട്ടു വന്നിരിക്കുന്നതിൽനിന്നും ഗവണ്മെന്റ് ഇത് സ്വീകരിക്കാൻ തയ്യാറാണെന്നു പ്രകടമായിട്ടുണ്ട്. ബില്ലും ഗവണ്മെന്റ് ഹാജരാക്കിയിരിക്കുന്ന ഭേദഗതികളും ഒരുമിച്ച് സൂക്ഷ്മമായി പരിശോധിച്ചുകൊണ്ടിരിക്കണമെന്നു ശ്രീ കുട്ടികൃഷ്ണൻ നായരുടെ അഭിപ്രായമെങ്കിൽ അതിനുവേണ്ടി ഒരു ചെറിയ സെലക്ട് കമ്മിറ്റി രൂപീകരിക്കാൻ തടസ്സമില്ലെന്നു ഗവണ്മെന്റ് ഭാഗത്തുനിന്നും പ്രസ്താവിച്ചുകഴിഞ്ഞിരിക്കുന്നു. വളരെ അത്യാവശ്യമായ ഈ നിയമനിർമ്മാണത്തിനു ഇതു വളരെ അത്യാവശ്യമായ ഒരു സാഹചര്യം ഉണ്ടായിക്കൊണ്ടിരിക്കുന്നു. അതിന്റെ ഉപയോഗപ്പെടുത്താതെ ഒരു നല്ല തടസ്സനയം അവലംബിച്ചു എന്നും എനിക്ക് അപേക്ഷയുണ്ട്. അദ്ദേഹം തന്നെ ഏതാണ്ടു പിതൃസ്ഥാനം വഹിച്ച മലബാർ കടിയായ നിയമക്കൊണ്ടു ഉദ്ദേശിച്ചതാണ് കടിയായ ലഭിക്കാൻ തടസ്സമായി നില്ക്കുന്ന ചില സാഹചര്യങ്ങളെ നീക്കം ചെയ്യാനുള്ളതല്ല ഈ ഭേദഗതി നിയമത്തിന്നു എതിരായി ഒരു തടസ്സനയം കൊണ്ടിരിക്കുന്നു എന്ന ആക്ഷേപത്തിന്നു ഇട നൽകാതെ ഈ തടസ്സ വാദങ്ങളെല്ലാം പീർപെട്ടിച്ച് അദ്ദേഹം തന്നെ ചുമതലയെടുത്തു പാസ്സാക്കിയ ഒരു നിയമം ശരിയെ പ്രയോഗത്തിൽ വരുത്തുന്നതിനുള്ള ശ്രമങ്ങളിൽ സഹകരിക്കുകയും ഈ ബില്ലു പാസ്സാക്കുന്നതിനുവേണ്ടു വിറ്റുപണ നൽകുകയും ചെയ്യണമെന്നു മലബാറിലെ അനേകപക്ഷം കടിയന്മാരുടെ പേരിൽ ഞാൻ ബഹുമാനപ്പെട്ട ശ്രീ കുട്ടികൃഷ്ണൻ നായരോടു വിനീതമായി അപേക്ഷിക്കുന്നു. ഭേദഗതികൾ പരിശോധിക്കുന്നതിനും പഠിക്കുന്നതിനും സമയം കിട്ടിയില്ലെന്നാണ് അദ്ദേഹത്തിന്റെ ആക്ഷേപമെങ്കിൽ ഒരു ചെറിയ സെലക്ട് കമ്മിറ്റിയെപ്പോലും അതു ചെയ്യാമെന്നു സഭാനേതാവിന് സമ്മതിച്ചിരിക്കുന്ന സ്ഥിതിക്ക് ശ്രീ കുട്ടികൃഷ്ണൻ നായർ തന്റെ നില പുനഃ പരിശോധന ചെയ്യുമെന്നും കഴിയുന്നപോൾ ഈ ബില്ലു പാസ്സാക്കിയെടുക്കുന്നതിനു വേണ്ടു തയ്യാറെടുപ്പുമെന്നും ഞാൻ പ്രതീക്ഷിക്കുന്നു.

SRI K. P. GOPALAN: Mr. Speaker, Sir, I wholeheartedly accept the suggestion of the Hon. the Leader of the House. The people in Malabar, as far as I know, want to get immediate relief from the legal complications that have arisen. I am sure the hon. Member Sri Kuttikrishnan Nair also knows this fact. Sir, justice delayed to the peasants in Malabar is justice denied to them. Even Sri Kuttikrishnan Nair will agree with all the other Members from Malabar to sit together and discuss the Bill according to the suggestion made by the Leader of the House. I hope that Sri Kuttikrishnan Nair, realising the immediate necessity to give protection to the tenants of Malabar, will support the suggestion made by the Leader of the House to constitute a select committee. If we pass this legislation unanimously here, that will be a great boon to the peasants of Malabar. I request the hon. Member to agree to the suggestion made by the Hon. the Leader of the House.

THE HON. SRI C. SUBRAMANIAM: Sir, in fairness to the hon. Member, Sri Kuttikrishnan Nair, I should like to point out that after all as the Bill stands now, even the Government cannot accept it and perhaps Sri Kuttikrishnan Nair had no time even to go through the Bill moved by the hon. Member Sri Krishna Ayyar. So far as the Government amendments are concerned,

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we have just rushed them through. I do not know whether anybody has studied them. But to attribute motives and other things is irrelevant. I do not think they are justified in doing that. The previous enactment which we had passed had created sufficient difficulties. Unless there is unanimity on the provisions of this Bill and that it should be pushed through, we cannot rush it through and create further difficulties. Then by accepting this amendment, we would be creating difficulties instead of solving them. Everybody should be satisfied that this is only a formal amendment for the purpose of removing difficulties created by certain judicial interpretations of certain clauses which we have already passed. Therefore if there is anything that should be scrutinised properly it should be done. It should not be thought that somebody is trying to obstruct it and motives attributed. We have seen the amendments only just now. Nobody could have sufficient time to scrutinise them and find out whether they are all right or not. The previous amendments were scrutinised by our legal experts and passed. Even then they turned out to be not quite so good. The courts in interpreting the Act have come to different conclusions which we never intended. That means that there is something wrong in the drafting and the approach to it. Simply because objection is raised it should not be thought that it is not a *bona fide* objection. Nobody should think that it does not require further scrutiny. I would request the hon. the Mover of the Bill not to accept every amendment which we have suggested but scrutinise them further and see whether they would be good enough to meet the difficulties which had been created. If further amendments are necessary to the amendments already proposed, we are prepared to consider them. Unless we sit down together and consider the Bill in a calm atmosphere, we will not be able to get over the difficulties and proceed with this Bill. The Government will have to say that it should be the responsibility of somebody else to push it through. I would submit that no further discussion is necessary on this. It may be adjourned now. It is for the hon. Members from Malabar to sit together and come to an agreement and inform the Government about it.

Mr. Speaker, Sir, I move—

“That the further consideration of the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), be adjourned.”

SRI V. R. KRISHNA AYYAR: Mr. Speaker, Sir, I do not at all for a moment doubt the reasonableness or even the *bona fides* of my hon. Friend Sri Kuttikrishnan Nair. The only point I want to mention is that Sri Kuttikrishnan Nair probably might not have had the time to go through the Bill. He said he had no time to study it fully. As the Hon. the Leader of the House said, the Government had gone through it in a way and suggested various amendments practically to every clause. The hon. Member Sri Kuttikrishnan Nair now wants some time. He could have it. But then we find there is overwhelming amount of

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goodwill and support to see that some of these good things are done. Obviously no new ideas are introduced. There is no change whatever in the original intentions. All that is sought to be done is to nullify to the extent to which the legislation can, the miscarriage of the intendment of the legislation already passed, by the decisions of courts. Nothing more than that. The courts having interpreted it in a certain way and the legislature having intended it in a different way, let us fulfil it. This will be the special responsibility of the hon. Member Sri Kuttikrishnan Nair because he piloted the Bill; Act VII of 1954 was passed, thanks to his labours, energy and enthusiasm. The courts have interpreted the sections of that Act in a different way. He should therefore take active part in setting right that matter. It will be a happy day for him to see that what he meant has been effectuated in the law courts also. It is not only a Member's interest that is now cast on him. It is the parent's interest on his part to see that the child comes up well. I specially appeal to him to see that he plays the rightful role that he has in the matter. The Hon. Minister has given us the clue, or has suggested how we can solve the tangle at the moment. Let us all sit together with the hon. Member Sri Kuttikrishnan Nair the pre-eminent among us and with the hon. Member Narayana Kurup and six others. Let us meet this afternoon if possible and go through the provisions of this Bill. The Bill is a small one and the amendments are very few. There is really no research to be made or facts collected. The amendments are based on specific decisions. The whole task is easy. Let us sit this evening, spend some time, sufficiently long time if necessary even till midnight and come to an agreement. The Hon. the Leader of the House has promised to be indulgent enough to give us some time tomorrow or the day after to have this Bill gone through. My only request to the Hon. the Leader of the House is not to expect absolute cent per cent unanimity because this oftentimes results in even good things being put off. It is true to say that the Kerala Government or the Legislature may take care of this. My submission is it will take a long time. The path to Parliament is too long and even if it is to be taken up there, new obstacles will come up and we will have to wait indefinitely. We should not lose the opportunity that we now have. The hon. Member Kuttikrishnan Nair should not lose the opportunity of seeing his child growing well. It is only an accident that I moved this Bill. The Government have moved amendments to the Bill. I have gone through them although the time was short, and I for my part consider them quite correct and am willing to accept them. Let the hon. Member Sri Kuttikrishnan Nair and others satisfy themselves about this and if all signify their assent, tomorrow or the day after if some time is allotted, the Bill can be passed. Sri Kuttikrishnan Nair has no special objection to the Bill as such, and he only says he had no time to go through the Bill. We will now provide the time for him. Let the Bill be gone through and such of the clauses as could be passed, be passed. If he has specific objections

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to anything we will have it deleted. Even if something is done, it will be some good done to the tenants of Malabar and we would have earned their gratitude.

MR. SPEAKER: I think the Hon. Minister for Finance has moved the motion to adjourn the further consideration of this Bill under rule 78 of the Assembly Rules. Now I will put the motion to the vote of the House. The question is—

“ That the further consideration of the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), be adjourned.”

The motion was put and carried.

(2) THE MADRAS LEGISLATIVE PROCEEDINGS (PROTECTION OF PUBLICATION) BILL, 1956 (L.A. BILL NO. 16 OF 1956).

* SRI P. RANGASWAMI REDDIAR: Mr. Speaker, Sir, I beg to move—

“ That the Madras Legislative Proceedings (Protection of Publication) Bill, 1956 (L.A. Bill No. 16 of 1956), be taken into consideration.”

Recently the Parliament passed the Parliamentary Proceedings (Protection of Publication) Act, 1956, with the object of protecting the publication of the reports of the Parliament by newspapers in our country. That Act does apply to the publication of the proceedings of the Parliament only. The privilege extends to both civil and criminal proceedings. The Act does not afford protection, if anything is published which is actuated by malice or which is not for public good. Apart from these two exceptions, the Act gives protection for the publication of all proceedings of the Parliament.

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a.m. Hon. Members may be aware that the proceedings of the courts of justice are reported in newspapers and if they are substantially correct, the reports are protected by exception (4) to section 499 of the Indian Penal Code. We know that the proceedings before the High Court and the mufassal courts in several cases are being published in newspapers.

Unfortunately, as far as the publication of the proceedings of both the Houses of the State Legislature is concerned there is no protection. When the Parliamentary Proceedings (Protection of Publication) Act, 1956, was passed, this question was also raised in the Parliament. Item No. 74 of the Union List in the Seventh Schedule to the Constitution, deals with the powers, privileges and immunities of the Houses of Parliament. Item No. 39 in the State List deals with the powers, privileges and immunities of the Legislative Assembly and Council. The Parliament thought that since in item No. 39 of the State List the powers, privileges and immunities of the States Legislatures are dealt with, the question of enacting legislation for protecting the publication of the reports of the proceedings of State Legislatures by newspapers might be left to the concerned State Legislatures. At any rate it might not be the